



WP.No.32830 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2025

WEB COPY

CORAM

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.32830 of 2024

Anand Shanmugam
rep. by his Power of Attorney Agent
Mr.A.C.Shanmugam, Flot No.28, 2nd Floor,
Nav Nidhan Complex,
Door No.60, Purasawakkam high Road,
Purasawakkam,
Chennai - 600 007.

...Petitioner

Vs.

1. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai - 3.
2. The Member Secretary,
Chennai Metropolitan Development
Authority,
Egmore,
Chennai - 8.
3. Hasumathi M.Shah,
W/o Late Manilal
4. Gita K.Shah
W/o Kiran C.Shah
5. Pradip M.Shah,
S/o Lte Manilal V.Shah



WP.No.32830 of 2024



WEB COPY

6. Kamal H.Shah
S/o Late. Himatlal V.Shah.
7. Bina V. Shah,
D/o Late Himatlal V. Shah
8. Kirtida H Shah,
D/o Late Himatlal V. Shah
9. Vandana J Shah,
D/o Late Himatlal V. Shah
10. Jayant G. Doshi,
S/o Late Gunavanthiri C Doshi
11. Mahesh Kumar Damani
12. Jayaprakash Bhutda
13. Kamini A. Sanghvi
14. S.Anandhi
15. P.K.Harikrishnan
16. Kamni B Doshi
W/o Bharat G. Doshi
17. Hemal B Doshi
S/o Bharat G.Doshi
19. Bhavya B Doshi,
S/o Bharat G.Doshi
20. Nav Nidhan Enterprises
rep. by Pradip M Shah,

R3 to R20 residing at
No.15, Harleys Road,
Kilpauk, Chennai - 600 010.

..Respondents.



WEB COPY

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus to direct the 1st and 2nd respondents to take immediate action in respect of the illegal and unauthorised construction done by the respondents 3 to 20 in the flat building known as "Nav Nidhan Complex" at premises Door No.60, Purasawakkam High road, Purasawakkam, Chennai - 600 007, comprised in R.S.Nos.255, 253, 259 and 256 Purasawakkam Village, Chennai under relevant provisions of Town and Country Planning Act.

For Petitioner : Mr.N.Nagu Sah
For Respondents : Mrs.K.Aswini Devi,
Standing Counsel for R1
Mr.Akhil Akbar Ali,
Standing Counsel for R2
Mr.N.B.N.Swamy,
for R5,R11,R13 to R15

ORDER

(The order of the Court was made by J.Nisha Banu,J.)

The Writ Petition has been filed to issue a Writ of Mandamus to direct the 1st and 2nd respondents to take immediate action in respect of the illegal and unauthorised construction done by the respondents 3 to 20 in the flat building known as "Nav Nidhan Complex" at premises Door No.60, Purasawakkam High Road, Purasawakkam, Chennai - 600 007, comprised in R.S.Nos.255, 253, 259 and 256 Purasawakkam Village, Chennai, under relevant provisions of Town and Country Planning Act.

2. Today, the learned Standing Counsel appearing for the



WP.No.32830 of 2024

Corporation, produced the proceedings dated 15.07.2025 sent by the Executive Engineer Zone-VIII, Greater Chennai Corporation to the learned Standing Counsel for the respondent Corporation, wherein it is stated as follows:

".... It is informed that when the above case came up for hearing on 23.03.2025, the Hon'ble High Court has passed an interim order as follows:

"....Post after service of notice on the private respondents. Meanwhile, Greater Chennai Corporation is directed to conduct field inspection and submit a status report before this Court..."

It is informed that as per the directions of the Hon'ble High Court the building in question at Door No.60, Purasawakkam High Road, Purasawakkam Chennai - 600 007, was inspected by the officials of Greater Chennai Corporation and found that the building in question is consisting of ground floor, first floor, second floor and third floor. Further at the time of inspection it was found that 22 nos. of shops are constructed in the ground floor of the building and 5 nos. of dwelling units in each first, second and third floors of the building.

It is informed that at the time of inspection, the owners/ occupiers did not produce the approved plan copy. At the time of inspection it was informed that the petitioner was one of the co-owner of the building



WEB COPY

WP.No.32830 of 2024



having a flat (2B) at second floor of the building.

It is submitted that in the meantime the Member Secretary, Chennai Metropolitan Development Department has circulated a circular vide Proc.No.RT/19948/2011 dated 02.12.2016 stating that the Chennai Metropolitan Development Department will take enforcement action against the building for which the Chennai Metropolitan Development Department has accorded planning permission. The operative portion of the said circular is extracted below for sake of convenience:-

"....vi) Chennai Metropolitan Development Authority shall take enforcement action under sections 56 and 57 of T&CP Act, 1971 on those cases for which CMDA has issued planning permission."

3. It is seen that at the time of inspection by the Corporation officials, the owners of the property in question did not produce the approved plan copy. Therefore, the 1st respondent shall send notice to all the private respondents and take enforcements action in accordance with law in respect of the property in question, within a period of twelve weeks from the date of receipt of a copy of this order. Accordingly, the Writ Petition is disposed of. No costs.

[J.N.B.,J.][M.J.R.,J.]
16.07.2025

vsi
Speaking order/Non-speaking order
Neutral Citation: Yes/No

J.NISHA BANU,J.



WEB COPY



WP.No.32830 of 2024

AND
M.JOTHIRAMAN,J.

Vsi

To

1. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai - 3.
2. The Member Secretary,
Chennai Metropolitan Development
Authority,
Egmore,
Chennai - 8.

WP.No.32830 of 2024

16.07.2025